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Director  
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Commercial Airplanes

The Boeing Company  
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February 23, 2005  
B-H300-05-EAP-08

Mr. Deepak Joshi  
Lead Aerospace Engineer (Structures)  
National Transportation Safety Board  
490 L'Enfant Plaza, SW.  
Room 5235  
Washington, DC 20594.



Subject: Comments to Notice of Proposed Rulemaking (NPRM),  
"Notification and Reporting of Aircraft Accidents or Incidents and  
Overdue Aircraft, and Preservation of Aircraft Wreckage, Mail,  
Cargo, and Records"

Reference NPRM issued by the National Transportation Safety Board (NTSB)  
and published in the Federal Register on December 27, 2004 (69  
FR 77150)

Dear Mr. Joshi:

Enclosed are comments from Boeing Commercial Airplanes concerning the  
subject NPRM. We appreciate the opportunity to review this proposal and trust  
that you will consider our comments prior to finalizing the rule.

Please direct any comments or questions to Ms. Jill DeMarco of this office at  
(425) 965-3005.

Sincerely,

A handwritten signature in black ink, appearing to read 'Elizabeth A. Pasztor'.

Elizabeth A. Pasztor  
Director, Certification Regulatory Affairs

Enclosure

**Boeing Commercial Airplanes  
Comments to Notice of Proposed Rulemaking (NPRM),  
“Notification and Reporting of Aircraft Accidents or  
Incidents and Overdue Aircraft, and  
Preservation of Aircraft Wreckage, Mail, Cargo, and Records”**

**COMMENT #1**

<b>Requested change to NPRM</b>	<p>Revise the preamble description of the change to Sec. 830.2, which states:</p> <p><i>We are proposing to modify the current definition of substantial damage in Sec. 830.2 by removing reference to ground damage to helicopter rotor blades from the list of exclusions. We believe this revision is necessary because the main rotor blades of a helicopter are the lifting surfaces of the aircraft and are considered to be equivalent to the wings of an airplane. The tail rotor blades of a helicopter provide yaw control and are analogous to the rudder control surface of an airplane. <u>Any damage to</u> main or tail rotor blades--regardless of how it occurs-- will likely adversely affect the performance of the aircraft and, if so, should be considered substantial damage. Therefore, we are proposing to bring events involving ground damage to main or tail rotor blades within the definition of an accident and clearly make them reportable events. [Highlights added]</i></p> <p>We recommend revising the sentence that begins with “Any damage to...” to read as follows:</p> <p><b><i>“Substantial damage to main or tail rotor blades – regardless of how it occurs – should be reported.”</i></b></p>
<b>Justification for requested change</b>	<p>“Any damage to” is too broad a term; specifically in the context of Sec. 830.2 which is defining “substantial damage.”</p>

**COMMENT #2**

<b>Requested change to NPRM</b>	<p>The NTSB should assure that any additional reporting requirements that would be added to 49 CFR §830.5 are not duplicative of requirements currently required by 14 CFR §21.3 (“Reporting of failures, malfunctions, and defects”). Any duplicative reporting requirements should be deleted from the proposed rule. If 14 CFR §21.3 already requires the reporting of the desired event information, then the NTSB and FAA should work to share this information.</p>
<b>Justification for requested change</b>	<p>14 CFR §21.3 already requires reporting of events similar to those proposed in §830.5(a)(3), (a)(8), and (a)(9). In order to avoid burdening operators and manufacturers with duplicative reporting requirements, the NTSB and FAA should work to share such information.</p>

COMMENT #3	
<b>Requested change to NPRM</b>	Eliminate proposed Sec. 830.5(a)(10), which states:  <i>... (10) Any Airborne Collision and Avoidance System (ACAS) resolution advisories (RA) issued when an aircraft is being operated on an instrument flight rules (IFR) flight plan.</i>
<b>Justification for requested change</b>	The aviation industry and the Federal Aviation Administration have established the Voluntary Aviation Safety Information Sharing Program (VASIP) to advance the acquisition, sharing, and analysis of safety-related data in order to proactively identify aviation risks and implement mitigation strategies. The Commercial Aviation Safety Team (CAST), in conjunction with the Flight Operations Quality Assurance (FOQA) and Aviation Safety Action Partnerships (ASAP) Aviation Rulemaking Committees (ARC), has taken steps to understand the issue of increasing numbers of Traffic Collision and Avoidance System (TCAS) resolution advisories (RA). Via VASIP, these groups are cooperating in the development of a process to gather and analyze RA-related information and develop necessary mitigation strategies. We consider it would be more beneficial for enhancing aviation safety if the NTSB added its expertise to these industry programs rather than establishing additional reporting requirements for much of the same data.